

### REMARKS

In the Office Action, the Examiner has indicated that the information disclosure statement filed October 27, 2003 has not been considered because there were no references listed on a PTO 1449. In addition, the Examiner has objected to the drawings because the boxes in Fig. 2 are not properly labeled with a text description. The Examiner has further indicated that a flow chart diagram is required to describe the claimed method steps. Also in the Office Action, claims 1-22 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Holt (U.S. 6,580,393).

In this Response to Office Action, Fig. 2 has been amended to label the boxes with a text description as suggested by the Examiner. In addition, a new Fig. 3 has been added to include a flow chart diagram describing the claimed method steps. Accordingly, the specification has been amended to describe the flow chart and reference the new Fig. 3.

Also in this Response to Office Action, independent claim 1 has been amended to now recite a method of implementation of a passive navigation system for an air vehicle including the step of receiving a signal from at least one emitter, the signal originating at a distance from the air vehicle. In a similar manner, independent claim 9 has been amended to now recite a method for determining position information for an airborne platform including the step of receiving a signal from a plurality of stationary ground based emitters, the signal originating at a distance from the airborne platform. In a still similar manner, independent claim 15 has been amended to now recite a passive navigation system for an airborne platform including a means for receiving a

plurality of signals from a respective plurality of stationary ground based emitters, with at least one received signal originating at a distance from the airborne platform. Support for these amendments is found in the specification on page 3 at lines 19-23.

Additionally, Attorney for Applicant hereby acknowledges that the information disclosure statement filed October 27, 2003 has not been considered by the Examiner.

Amendments to the claims have been presented herein to improve the readability of the claims and to point out the features which distinguish the present invention over the cited art. Also, these amendments have been made to more clearly define the structure and cooperation of structure for the present invention. Claims 1-22 remain pending.

#### Objections to the Drawings

In the Office Action, the Examiner has objected to the drawings because the boxes in Fig. 2 are not properly labeled with a text description. Also, the Examiner has indicated that a flow chart diagram is required to describe the claimed method steps.

In this Response to Office Action, Fig. 2 has been amended to label the boxes with a text description as suggested by the Examiner and a new Fig. 3 has been added to include a flow chart diagram describing the claimed method steps.

With these amendments, Attorney for Applicant respectfully contends that the basis for objecting to the drawings has been overcome and the objections should be withdrawn.

Rejections under 35 U.S.C. § 102(e)

In the Office Action, claims 1-22 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Holt (U.S. 6,580,393). Specifically, the Examiner has indicated that Holt discloses a system and method for determining the location of a transmitter using passive reflectors or reflectors as proxy receivers and using database querying.

In this Response to Office Action, all independent claims (i.e. claims 1, 9 and 15) have been amended to now recite the use of a signal originating at a distance from the air vehicle for passive navigation of the air vehicle (claims 1 and 15) or determining position information for the air vehicle (claim 9). As claimed, the present invention employs signals to navigate or determine the position of the air vehicle that do not originate on the air vehicle. As such, the present invention is not directed toward determining the position of a signal transmitter.

No such structure or cooperation of structure is either taught or suggested by the cited reference (Holt). Instead, and quite unlike the passive architecture employed by the present invention, the scheme suggested by Holt determines the position of a transmitter (see Holt at column 3, lines 27-40). As indicated by the specification of the present invention, one disadvantage of a non-passive navigation system which transmits signals from an air vehicle is that these signals may be used by hostile forces to locate, track and target the air vehicle (see page 3, lines 4-6). Thus, the cited reference (i.e. Holt) fails to disclose a passive navigation system, as claimed for the present invention, and importantly, fails to teach or suggest a navigation system which cannot be easily manipulated by hostile parties to locate an aircraft.

Accordingly, because Holt fails to teach or suggest all of the limitations of

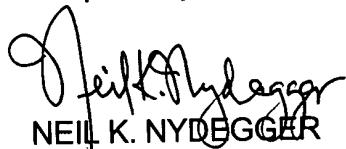
independent claims 1, 9 and 15, as amended, Attorney for Applicant respectfully contends that these claims (i.e. claims 1, 9 and 15) are not anticipated by Holt. Further, since claims 2-8, 10-14 and 16-22 depend either directly or indirectly from independent claim 1, 9 or 15, they are likewise allowable. For the reasons set forth above, Applicant believes that the basis for rejecting claims 1-22 under 35 U.S.C. § 102(e) has been overcome and the rejections should be withdrawn.

The references cited by the Examiner, but not relied on for the rejection of claims, have been noted.

In conclusion, Applicant respectfully asserts that claims 1-22 are patentable for the reasons set forth above, and that the application is now in a condition for allowance. Accordingly, an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned at 619-688-1300 for any reason that would advance the instant application to issue.

Dated this 9<sup>th</sup> day of November, 2004.

Respectfully submitted,



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Amendments to the Drawings:

The attached drawing sheets include changes to Fig. 2 and a new Fig. 3. The replacement sheet, which includes Figs. 1 and 2, replaces the original sheet including Figs. 1 and 2. Fig. 2 has been amended to label boxes with text descriptions. A new sheet includes new Fig. 3. New Fig. 3 includes a flow chart diagram describing the claimed method steps.

Attachment: 1 Replacement Sheet  
1 New Sheet